

REMARKS

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-21 are currently being prosecuted. Claims 1 and 21 are amended. Claims 1 and 21 are independent. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks set forth herein.

Reasons for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment was not presented at an earlier date in view of the fact that the Applicant did not fully appreciate the Examiner's position until the Final Office Action was reviewed.

Rejections under 35 U.S.C. §103(a)

Claims 1-4, 7-11, 20, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Korhonen et al., WO 96/20121, in view of Toniolo (U.S. 4,431,359);

claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Korhonen et al. in view of Toniolo as applied to the claims above, and further in view of Kiep (U.S. 5,921,739);

claim 5, 12-14 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Korhonen et al. in view of Toniolo as applied to the claims above, and in further view of Anderson (U.S. 5,492,067) and Suzuki et al. (U.S. 4,702,008); and

claims 6, 15-17, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Korhonen et al. in view of Toniolo, and in further view of Curran (U.S. 4,976,336).

These rejections are respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present application, independent claim 1 is amended herein to recite a combination of elements directed to an apparatus for handling stacked units of boards, including:

a stacker carrier having a chassis with four upright columnar legs, and a pair of lift units each extending between a pair of the upright columnar legs on opposite sides of said stacker carrier, each of said lift units including:

a load support member extending lengthwise along substantially a full length of each of the lift units, ends of the load support member being rotatably mounted on pivot shafts adjacent to the upright columnar legs, the load support members being individually movable and arranged to cooperate so as to elevate/lower the stacked units of boards resting on said support bed.

In addition, independent claim 21 is amended herein to recite a combination of elements directed to an apparatus for handling stacked units of boards, including:

a stacker carrier having a chassis with four upright columnar legs, and a pair of lift units each extending between a pair of the upright columnar legs on opposite sides of said stacker carrier, each of said lift units including:-

a pair of pivot shafts disposed at upper end portions of each of the lift units adjacent to the upright columnar legs;

a load support member being rotatably mounted on each of the pairs of pivot shafts and being individually movable and arranged to cooperate for elevating/ lowering the stacked units of boards resting on the support bed; and

a first roller member and a second roller member provided at each end of the lift units adjacent to the pair of pivot shafts, the first and the second roller members adapted to run up and down on two different surfaces of the columnar legs of the apparatus.

The Examiner will note that the above combinations of elements as set forth in claims 1 and 21 are fully supported by, e.g., on page 6, lines 1-12 of the specification. See also FIGS. 2 and 4, for example, which clearly shows a stacker carrier having a chassis with four upright columnar legs 11, 12, 13, 14 and a pair of lift units 23, 24 each extending between a pair of the upright columnar legs 11, 12 (or 13, 14) on opposite sides of said stacker carrier, a load support member 31 extending lengthwise along substantially a full length of each of the lift units 23, 24, ends of the load support member 31 being rotatably mounted on pivot shafts 39, 40 adjacent to the upright columnar legs 11, 12 (or 13, 14), and a first roller member 33, 34 and a second roller member 35, 36 provided at each end of the lift units adjacent to the pair of pivot shafts, the first 33, 34 and the second roller 35, 36 members adapted to run up and down on two different surfaces of the columnar legs of the apparatus.

By contrast, as the Examiner concedes, Korhonen et al. fail to teach lift units which are pivotable.

In addition, as can be seen in Toniolo FIGS. 5, 6, 14, and 15, Toniolo fails to teach or suggest:

a chassis with four upright columnar legs, a pair of lift units each extending between a pair of the upright columnar legs on opposite sides of said stacker carrier, a load support member extending lengthwise along substantially a full length of each of the lift units, and ends of the load support member being rotatably mounted on pivot shafts adjacent to the upright columnar legs (as in claims 1 and 21); or

a first roller member and a second roller member provided at each end of the lift units adjacent to the pair of pivot shafts, the first and the second roller members adapted to run up and down on two different surfaces of the columnar legs of the apparatus (as in claim 21).

Referring to the Examiner's comments on pages 3 and 4 of the Office Action, the Applicant respectfully submits that Toniolo FIGS. 5 and 6 merely discloses support shoes 22, shafts 17 on arms 16, and hinges 17 attached to masts 19, rather than a pair of lift units each extending between a pair of the upright columnar legs on opposite sides of said stacker carrier, a load support member extending lengthwise along substantially a full length of each of the lift units, and ends of the load support member being rotatably mounted on pivot shafts adjacent to the upright columnar legs, (as in claims 1 and 21).

Moreover, Toniolo FIGS. 5, 6, 14, 15, and 66 merely disclose slides 8 and rollers 88, 126, but none of these suggest a first roller member and a second roller member provided at each end of the lift units adjacent to the pair of pivot shafts, the first and the second roller members

adapted to run up and down on two different surfaces of the columnar legs of the apparatus (as in claim 21).

Thus, the teachings of Toniolo do not make up for the deficiencies of Korhonen et al.

Accordingly, no combination of Korhonen et al. and Toniolo can teach or suggest the combinations of elements set forth in independent claims 1 and 21 of the present invention.

Furthermore, none of the other references cited by the Examiner discloses the combinations of elements contained in claims 1 and 21 of the present invention.

In view of the above amendments and remarks, it is respectfully submitted that independent claims 1 and 21 are in condition for allowance. With regard to claims 2-20, which stand rejected under 35 U.S.C. §103(a), these claims are also allowable due to their dependence on allowable claim 1, or due to the additional features contained therein.

Accordingly, all claims of the present application should be deemed allowable, and reconsideration and withdrawal of the rejections under U.S.C. §103(a) are respectfully requested.

CONCLUSION

In view of the above amendments and remarks, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

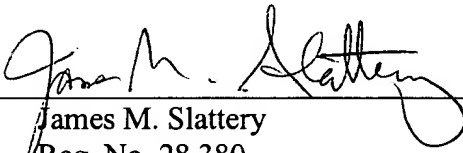
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery
Reg. No. 28,380
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

1503-0121P
JMS/CTT:ags:trb

